

BEFORE THE DEPARTMENT OF AGRICULTURE  
OF THE STATE OF MONTANA

In the matter of the proposed  
amendment of ARM 4.6.202 relating to  
potato assessment fees

)  
)  
)  
)

NOTICE OF PROPOSED  
AMENDMENT

NO PUBLIC HEARING  
CONTEMPLATED

TO: All Concerned Persons

1. On March 25, 2006, the Montana Department of Agriculture proposes to amend the above-stated rule relating to potato assessment fees.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on March 9, 2006, to advise us of the nature of the accommodation that you need. Please contact Joel A. Clairmont at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT, 59620-0201; Phone: (406) 444-3144; Fax: (406) 444-5409; or E-mail: agr@mt.gov.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

4.6.202 ANNUAL POTATO COMMODITY ASSESSMENT-COLLECTION

(1) remains the same.

(2) The assessment shall be ~~\$.03~~ \$.02 per hundredweight on all potatoes grown and marketed commercially in Montana by those growers producing and marketing more than 50,000 pounds annually.

(3) remains the same.

AUTH: 80-11-504, MCA

IMP: 80-11-515, MCA

REASON: The Montana Department of Agriculture, upon a recommendation from the Montana Potato Advisory Committee, thinks there will be sufficient funding provided by a two-cent (\$.02) assessment to fund the Potato Research and Market Development Program. It is estimated that this reduction in assessment will impact 60-75 potato producers in Montana and will reduce the amount of funds collected by approximately \$25,000 per year for research and market development.

4. Concerned persons may submit their data, views or arguments concerning the proposed action in writing to Joel A. Clairmont at the Montana Department Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT, 59620-0201; Fax: (406) 444-5409; or E-mail: agr@mt.gov. Any comments must be received no later than March 23, 2006.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Joel A. Clairmont at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or E-mail: [agr@mt.gov](mailto:agr@mt.gov). A written request for hearing must be received no later than March 23, 2006.

6. If the Department receives requests for a public hearing on the proposed action from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be seven based on 65-75 potato producers.

7. The Department of Agriculture maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person and specifies for which program the person wishes to receive notices. Such written request may be mailed or delivered to Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT, 59620-0201; Fax: (406) 444-5409; or E-mail: [agr@mt.gov](mailto:agr@mt.gov) or may be made by completing a request form at any rules hearing held by the Department of Agriculture.

8. An electronic copy of this Notice of Proposed Amendment is available through the Department's website at [www.agr.mt.gov](http://www.agr.mt.gov), under the Administrative Rules section. The Department strives to make the electronic copy of the Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

DEPARTMENT OF AGRICULTURE

/s/ Nancy K. Peterson

Nancy K. Peterson, Director

/s/ Timothy J. Meloy

Timothy J. Meloy, Attorney  
Rule Reviewer

Certified to the Secretary of State, February 13, 2006.